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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,862	07/26/2001	David A. Eatough	884.495US1	7695

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EXAMINER

GROSS, KENNETH A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,862

Applicant(s)

EATOUGH ET AL.

Examiner

Kenneth A Gross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 9, 10, 17, 22, 23, 31, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Shipley (U.S. Patent Number 5,634,114).

In regard to Claim 1, Shipley teaches: (a) detecting the use of software code (Column 6, lines 23-24 and lines 32-33); (b) identifying the selected application program that is using the software code. Shipley teaches that the DLL is associated with an application program (Abstract), and hence the application program is inherently known to the DLL as the application program that relies on the specified DLL; (c) confirming a conflict between the selected application program and the software code (Column 7, lines 12-17).

In regard to Claim 9, Shipley teaches that the software code is a DLL library (Abstract) and that detecting includes enabling detection of a library loading operation (Column 6, lines 32-33). Claims 22 and 36 corresponds directly with Claim 9 and are rejected for the same reasons as Claim 9.

In regard to Claim 10, Shipley teaches that the DLL is responded to by performing a lookup in a version table, so a software must exist which performs the lookup in response to the DLL call as indicated by the method. Claim 23 corresponds directly with Claim 10 and is rejected for the same reasons as Claim 10.

In regard to Claims 17 and 31, these are system and medium versions of Claim 1 above, wherein all claimed limitations also have been addressed and/or covered under cited areas as noted above. Shipley teaches a system and medium for the above method in Figure 6. Thus, the same rationale provided in the rejection of Claim 1 above is also applied and incorporated herein.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2, 3, 7, 8, 11, 12, 13, 14, 16, 18, 20, 21, 24, 32, 34, 35, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Sakata (U.S. Patent Number 6,377,977).

In regard to Claim 2, Shipley teaches configuring a table, which associates an application to at least one designated software code (Abstract), wherein, the corresponding software code is not the software code used by the selected application program (Column 7, lines 10-13). Shipley does not teach that the table has a plurality of applications. Sakata, however, does teach a table (Figure 10), which associates application programs (Figure 10, item 102) with software code (Figure 10, item 103), that it uses. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure a table, which associates an application to at least one designated software code, wherein, the corresponding software code is not the software code used by the selected application program, as taught by Shipley, where the table contains

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multiple applications associated with software codes, as taught by Sakata, since this allows multiple applications to lookup known software codes. Claims 18 and 32 correspond directly with Claim 2, and are rejected for the same reasons as Claim 2.

In regard to Claim 3, Sakata teaches updating a table with an application name by a request (Column 1, lines 49-51).

In regard to Claim 7, Shipley teaches that the software code in the version table does not correspond to the designated software code requested by the application (Column 7, lines 10-18). Claim 20 and 34 correspond directly with Claim 7, and are rejected for the same reasons as Claim 7.

In regard to Claim 8, Shipley teaches that the version number of the requested code is determined and the version number is compared with the code version numbers in the version table (Column 7, lines 8-18). Claim 21 and 35 correspond directly with Claim 8, and are rejected for the same reasons as Claim 8.

In regard to Claim 11, Shipley teaches configuring a table, which associates an application to at least one designated software code (Abstract), wherein, the corresponding software code is the same software code used by the selected application program (Column 6, lines 32-36). Shipley does not teach that the table has a plurality of applications. Sakata, however, does teach a table (Figure 10), which associates application programs (Figure 10, item 102) with software code (Figure 10, item 103), that it uses. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure a table, which associates an application to at least one designated software code, wherein, the corresponding software code is the same software code used by the selected application program, as taught by

Shipley, where the table contains multiple applications associated with software codes, as taught by Sakata, since this allows multiple applications to lookup known software codes. Claim 24 and 37 correspond directly with Claim 11, and are rejected for the same reasons as Claim 11.

In regard to Claim 12, the examiner takes official notice that a file name is a well-known identifier of an application program.

In regard to Claim 13, the examiner takes official notice that an application version number is a well-known identifier of an application, and determining an application version number is a well-known method of further identifying an application.

In regard to Claim 14, Shipley teaches reporting a conflict to an application by means of a flag (Column 7, lines 14-17).

In regard to Claim 16, Shipley teaches reporting the conflict (Column 7, lines 14-17). The examiner takes official notice that activating an alarm is a well-known method of reporting a conflict.

5. Claims 4, 19, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Sakata (U.S. Patent Number 6,377,977) and further in view of Rupp et al. (U.S. Patent Number 5,339,431).

In regard to Claim 4, Shipley and Sakata teach the method of Claim 2, but do not teach obtaining information relating to the application programs by automated examination of the executable code. Rupp, however, does teach extracting the name of a source code file from the source code file itself (Column 4, lines 60-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 2, as taught by Shipley and Sakata, where information is obtained relating to the application programs by

automated examination of the executable code, as taught by Rupp, since this allows for faster updating of an application table. Claims 19 and 33 correspond directly with Claim 4, and are rejected for the same reasons as Claim 4.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Sakata (U.S. Patent Number 6,377,977) and further in view of Larsson et al. (U.S. Patent Number 6,226,747).

In regard to Claim 5, Shipley and Sakata teach the method of Claim 2, but do not teach entering information relating to an application program using a snapshot of installation activity required for the application program. Larsson, however, does teach updating an archive file using installation activity information, where an archive file is used to identify a computer system (Column 8, lines 52-55 and lines 64-66).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Sakata (U.S. Patent Number 6,377,977) and further in view of Strellis et al. (U.S. Patent Number 6,304,882).

In regard to Claim 6, Shipley and Sakata teach the method of Claim 2, but do not teach that the application is associated with an installation package, and configuring the database includes entering information by automatic examination of the installation package. Strellis, however, does teach an installation package (Column 28, lines 62-64) that is examined to extract an application version number (Column 30, lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 2, as taught by Shipley and Sakata, where information is obtained relating to the application programs by automated examination of an installation package associated with the application programs,

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since installation packages reveal important information about the application name and version number.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114).

In regard to Claim 15, Shipley teaches the method of Claim 14, and further teaches alerting an application program of a conflict (Column 7, lines 14-17), but does not explicitly teach alerting an end user of a conflict. However, since the alert is being issued to the application program, it would be obvious that the end user using the application program will also receive the alert. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 14, as taught by Shipley, where the conflict alert is directed to an end user, since the end user would discover the alert while using the application program.

9. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Yinger et al. (U.S. Patent Number 5,960,204).

In regard to Claim 25, Shipley teaches: (a) detecting the use of software code (Column 6, lines 23-24 and lines 32-33); (b) identifying the selected application program that is using the software code. Shipley teaches that the DLL is associated with an application program (Abstract), and hence the application program is inherently known to the DLL as the application program that relies on the specified DLL; (c) confirming a conflict between the selected application program and the software code (Column 7, lines 12-17). Shipley does not teach a server comprising a machine accessible medium having instructions for performing the method of detecting, identifying, and confirming, nor does Shipley teach a client coupled to the server,

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wherein execution of the selected application program is initiated by the client. Yinger, however, does teach a client who initiates the execution of an application (Abstract) and a server that contains DLL code files requested by the client during execution (Figure 4, item 430). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to detect the use of software code, identify the selected application program that is using the software code, and confirm a conflict between the selected application program and the software code, as taught by Shipley, where the above method is carried out by instructions on a server, and a client is coupled to the server and initiates a selected application program, since a network environment allows the libraries to be shared by multiple clients.

In regard to Claim 28, Yinger teaches that a database holding application information (Column 6, lines 53-55).

10. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Yinger et al. (U.S. Patent Number 5,960,204) and further in view of Sakata (U.S. Patent Number 6,377,977).

Claim 26 corresponds directly with Claim 2, and is rejected for the same reasons as Claim 2.

Claim 29 corresponds directly with Claim 7, and is rejected for the same reasons as Claim 7.

Claim 30 corresponds directly with Claim 11, and is rejected for the same reasons as Claim 11.

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Yinger et al. (U.S. Patent Number 5,960,204), and further

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in view of Sakata (U.S. Patent Number 6,377,977) and Rupp et al. (U.S. Patent Number 5,339,431).

Claim 27 corresponds directly with Claim 4, and is rejected for the same reasons as Claim 4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG


TUAN DAM
SUPERVISORY PATENT EXAMINER